

P A T E N T

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Kevin W. Smith

Serial No.: Unknown

Examiner in the immediately  
preceding parent case: M. Peffley

Filed: May 14, 2001

Anticipated Group Art Unit: 3739

For: POLYPECTOMY SNARE INSTRUMENT

Docket No.: 1001.1451103

Assistant Commissioner for Patents  
Washington, D.C. 20231

**PRELIMINARY AMENDMENT**

**CERTIFICATE UNDER 37 C.F.R. 1.10:** The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, "Express Mail Post Office to Addressee" having an Express Mail mailing label number of: EL837557540US, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C., 20231 on this 14th day of May, 2001.

By Kathleen L. Boekley  
Kathleen L. Boekley

Dear Sir:

Please amend the above-captioned patent application as follows:

In the Claims

Please cancel claim 1, and add new claims 42-61 as follows:

42. (New) A surgical snare instrument, comprising:

an elongate flexible tubular sheath;

a flexible shaft extending through and movable relative to the sheath, the shaft having a proximal end and a distal end;

a snare coupled to the distal end of the shaft;

a first handle coupled to the shaft, the first handle including a body and a knob, wherein rotation of the knob results in rotation of the shaft; and

a second handle coupled to the shaft.

43. (New) The surgical snare instrument in accordance with claim 42, further comprising a tubular sheath extension coupling the first handle to the second handle.

44. (New) The surgical snare instrument in accordance with claim 43, wherein the knob further comprises a bore and wherein the shaft extends through the bore.

45. (New) The surgical snare instrument in accordance with claim 44, wherein the bore has a non-circular cross section.

46. (New) The surgical snare instrument in accordance with claim 45, wherein the shaft further comprises a key portion provided with a non-circular cross section engageable with the non-circular cross section of the bore.

47. (New) The surgical snare instrument in accordance with claim 42, further comprising mounting means for mounting the first handle to an endoscope such that the shaft extends through a working channel of the endoscope.

48. (New) The surgical snare instrument in accordance with claim 47, wherein the mounting means is adapted to adjustably fix the distal end of the sheath relative to a distal end of the endoscope.

49. (New) The surgical snare instrument in accordance with claim 42, further comprising means for providing a cautery current to the shaft.

50. (New) The surgical snare instrument in accordance with claim 42, wherein the second handle further comprises a stationary member and a spool member slidable relative to the stationary member, and wherein sliding the spool member results in longitudinal movement of the shaft.

51. (New) The surgical snare instrument in accordance with claim 50, the first handle is located distal of the second handle.

52. (New) A surgical snare instrument, comprising:  
an elongate flexible tubular sheath;  
a flexible shaft extending through and movable relative to the sheath, the shaft having a proximal end and a distal end;  
a snare coupled to the distal end of the shaft;  
a first handle coupled to the shaft, the first handle including a body and a knob, wherein rotation of the knob results in rotation of the shaft; and

a second handle coupled to the shaft, the second handle including a stationary member and a spool member slidable relative to the stationary member, wherein sliding the spool member results in longitudinal movement of the shaft.

53. (New) The surgical snare instrument in accordance with claim 52, further comprising a tubular sheath extension coupling the first handle to the second handle.

54. (New) The surgical snare instrument in accordance with claim 53, wherein the knob further comprises a bore and wherein the shaft extends through the bore.

55. (New) The surgical snare instrument in accordance with claim 54, wherein the bore has a non-circular cross section.

56. (New) The surgical snare instrument in accordance with claim 55, wherein the shaft further comprises a key portion provided with a non-circular cross section engageable with the non-circular cross section of the bore.

57. (New) The surgical snare instrument in accordance with claim 52, further comprising mounting means for mounting the first handle to an endoscope such that the shaft extends through a working channel of the endoscope.

58. (New) The surgical snare instrument in accordance with claim 57, wherein the mounting means is adapted to adjustably fix the distal end of the sheath relative to a distal end of the endoscope.

59. (New) The surgical snare instrument in accordance with claim 52, further comprising means for providing a cautery current to the shaft.

60. (New) A surgical snare instrument, comprising:

- an elongate flexible tubular sheath;
- a flexible shaft extending through and movable relative to the sheath, the shaft having a proximal end and a distal end;
- a snare coupled to the distal end of the shaft;
- a first handle coupled to the shaft, the first handle including a body and a knob, wherein rotation of the knob results in rotation of the shaft;
- a second handle coupled to the shaft, the second handle including a stationary member and a spool member slidable relative to the stationary member, wherein sliding the spool member results in longitudinal movement of the shaft; and
- a tubular sheath extension coupling the first handle to the second handle.

61. (New) A surgical snare instrument, comprising:

- an elongate flexible tubular sheath;
- a flexible shaft extending through and movable relative to the sheath, the shaft having a proximal end, a distal end, and a key portion;

a snare coupled to the distal end of the shaft;

a first handle coupled to the shaft, the first handle including a body and a knob having a central bore engageable with the key portion of the shaft, wherein rotation of the knob results in rotation of the shaft;

a second handle coupled to the shaft, the second handle including a stationary member and a spool member slidable relative to the stationary member, wherein sliding the spool member results in longitudinal movement of the shaft; and

a tubular sheath extension coupling the first handle to the second handle.

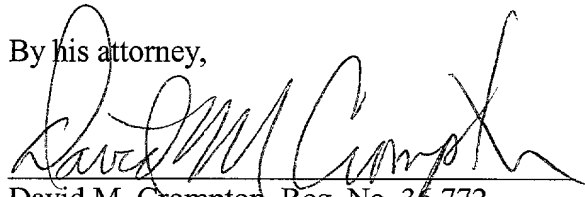
**REMARKS**

Applicants request that this Preliminary Amendment be made of record and fully considered prior to the first office action on the merits. Any inquiry regarding this matter may be directed to the undersigned representative at (612) 677-9050.

Respectfully submitted,

Kevin W. Smith

By his attorney,

A handwritten signature in black ink, appearing to read "David M. Crompton", is written over a horizontal line.

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**Version with Markings to Show Changes Made**

**In the Claims:**

Claim 1 has been cancelled.